

Henderson	Perdue.
of Marion.	Pinkston.
Henderson	Pool.
of McLennan.	Pope.
Houston.	Potter.
Howeth.	Price.
Irwin.	Quinn.
Jacks.	Rice.
Jennings.	Robinson.
Johnson.	Rogers.
Kemble.	Russell
Lackey.	of Callahan.
Laird.	Sackett.
Lane.	Shearer.
LeSturgeon.	Shires.
Loftin.	Simpson.
Looney.	Sparkman.
McBride.	Stevens.
McDaniel.	Stewart
McDonald.	of Edwards.
McFarlane.	Stewart of Jasper.
Maxwell.	Storey.
Melson.	Stroder.
Merriman.	Teer.
Merritt.	Thompson.
Miller.	Thrasher.
Montgomery.	Wells.
Morgan	Westbrook.
of Liberty.	Wessels.
Pate.	Williamson.
Patman.	Wilmans.
Patterson.	Young.

Nays—23.

Bell.	Morgan
Blount.	of Robertson.
Carpenter	Purl.
of Matagorda.	Quaid.
Covey.	Rountree.
Harrington.	Satterwhite.
Harris.	Smith.
Jones.	Stewart of Reeves.
Lamb.	Sweet.
McNatt.	Wallace.
Martin.	Wilson.
Mathes.	Winfree.
Moore.	

Absent.

Brady.	Lewis.
Carpenter	Lusk.
of Dallas.	McKean.
Chitwood.	Sanford.
Dunlap.	Strickland.
Hull.	Turner.
LeMaster.	Vaughan.

Absent—Excused

Baker of Milam.	Rowland.
Bobbitt.	Russell of Trinity.
Dinkle.	Stell.
Hardin of Erath.	Stiernberg.
Hughes.	

Mr. Pope moved to reconsider the

vote by which the bill was passed and to table the motion to reconsider.

The motion to table prevailed.

ADJOURNMENT.

On motion of Mr. Patman, the House, at 3:58 o'clock p. m., adjourned until 4 o'clock p. m. Tuesday, February 6.

TWENTY-SECOND DAY.

(Tuesday, February 6, 1923.)

The House met at 4 o'clock p. m., pursuant to adjournment, and was called to order by Speaker Seagler.

The roll was called and the following members were present:

Abney.	Gipson.
Amsler.	Green.
Arnold.	Greer.
Atkinson.	Hardin
Avis.	of Kaufman.
Baker of Orange.	Harrington.
Baldwin.	Harris.
Barker.	Henderson
Barrett.	of Marion.
Beasley.	Henderson
Bell.	of McLennan.
Bird.	Hendricks.
Blount.	Houston.
Bonham.	Howeth.
Bryant.	Hull.
Burmeister.	Irwin.
Cable.	Jacks.
Carpenter	Jennings.
of Matagorda.	Johnson.
Carson.	Jones.
Carter of Coke.	Kemble.
Carter of Hays.	Lackey.
Chitwood.	Laird.
Coffee.	Lamb.
Collins.	Lane.
Covey.	LeSturgeon.
Cowen.	Lewis.
Crawford.	Loftin.
Davenport.	Looney.
Davis.	McBride.
DeBerry.	McDaniel.
Dielmann.	McDonald.
Dodd.	McFarlane.
Downs.	McNatt.
Driggers.	Martin.
Duffey.	Melson.
Dunlap.	Merriman.
Dunn.	Merritt.
Durham.	Miller.
Edwards.	Moore.
Faubion.	Morgan
Fields.	of Liberty.
Finlay.	Morgan
Frnka.	of Robertson.
Fugler.	Pate.

Patman.	Smith.
Patterson.	Sparkman.
Perdue.	Stevens.
Pinkston.	Stewart
Pool.	of Edwards.
Pope.	Stewart of Jasper.
Potter.	Stewart of Reeves.
Price.	Storey.
Purl.	Stroder.
Quaid.	Sweet.
Quinn.	Teer.
Rice.	Thompson.
Robinson.	Thrasher.
Rogers.	Turner.
Rountree.	Vaughan.
Russell	Wallace.
of Callahan.	Wells.
Sackett.	Westbrook.
Mathes.	Wessels.
Maxwell.	Williamson.
Satterwhite.	Wilmans.
Shearer.	Wilson.
Shires.	Winfree.
Simpson.	Young.

Absent.

LeMaster.	Montgomery.
Lusk.	Sanford.
McKean.	Strickland.

Absent—Excused

Baker of Milam.	Hardin of Erath.
Bobbitt.	Hughes.
Brady.	Rowland.
Carpenter	Russell of Trinity.
of Dallas.	Stell.
Culp.	Stiernberg.
Dinkle.	

A quorum was announced present.

Prayer was offered by Rev. J. C. Mitchell, Chaplain.

LEAVES OF ABSENCE GRANTED.

The following members were granted leaves of absence on account of important business:

Mr. Culp, for today, on motion of Mr. Barker.

Mr. Hardin of Erath, for today, on motion of Mr. Covey.

Mr. Brady, for today, on motion of Mr. Shearer.

Mr. Bobbitt, for today, on motion of Mr. Arnold.

Mr. Russell of Trinity, for today, on motion of Mr. Lamb.

The following members were granted leaves of absence on account of sickness:

Mr. Carpenter of Dallas, for today, on motion of Mr. Irwin.

Mr. Frnka, for yesterday, on motion of Mr. Maxwell.

Mr. Dinkle, for balance of the week, on motion of Mr. Beasley.

Mr. Baker of Milam, for today, on motion of Mr. Baker of Orange.

Mr. Stiernberg, for today, on motion of Mr. Thrasher.

Mr. Stell, indefinitely, on motion of Mr. Wessels.

HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Thrasher:

H. B. No. 431, A bill to be entitled "An Act making unlawful the making or use of false statements in writing respecting the financial condition, or means, or ability to pay, of the person making such false statement, or causing same to be made, or of any other person, firm or corporation in which he is interested, or for whom he is acting, for the purpose of obtaining money, property, or credit, or the making, acceptance, discount, sale, or indorsement of a bill of exchange or promissory note, amounting to more than fifty dollars, whether such statements are made directly or indirectly; making such offense a felony and prescribing punishment therefor."

Referred to Committee on Criminal Jurisprudence.

By Mr. Jennings:

H. B. No. 432, A bill to be entitled "An Act creating the Green Lake Common School District No. 8 in Roberts county, Texas; defining its boundaries; investing said district with rights, privileges and duties of a common school district under the general laws, and declaring an emergency."

Referred to Committee on School Districts.

By Mr. Downs and Mr. Stewart of Jasper:

H. B. No. 433, A bill to be entitled "An Act making it a misdemeanor punishable by fine of not less than \$25 nor more than \$100 for any person to kill in any manner any wild male or female deer in the counties of San Augustine, Sabine, Newton and Jasper, at any time within five years from the date on which this act goes into effect."

Referred to Committee on Game and Fisheries.

By Mr. Durham:

H. B. No. 434. A bill to be entitled "An Act providing for the creation of the office of county superintendent of public instruction; providing for the election of a county superintendent; prescribing qualifications of the person holding the office; providing for filling vacancies in the office and specifically repealing Article 2750, Revised Statutes, 1911, and any part of the act of the Thirty-sixth Legislature, Third Called Session, Chapter 57, and any other law or parts of law which may be in conflict herewith, and declaring an emergency."

Referred to Committee on Education.

By Mr. Fugler, Mr. Williamson, Mr. Purl and Mr. Irwin:

H. B. No. 435. A bill to be entitled "An Act regulating the lighting of all motor vehicles and horse drawn vehicles operating upon the highways in Texas; providing for the testing of such lighting devices and the approval of same by the State Highway Commission before being used on any motor vehicle operated within this State; giving the Highway Commission power to test and approve such lighting devices, and providing that they shall charge a fee sufficient to cover the actual expense for conducting such test; providing penalties for the violation of this act; repealing all laws in conflict herewith, and declaring an emergency."

Referred to Committee on Roads, Bridges and Ferries.

By Mr. Fugler:

H. B. No. 436. A bill to be entitled "An Act prohibiting the purchase and sale, and the transporting or shipment for the purpose of purchase or sale, or barter or trade of crappie and bass taken from the fresh waters of the State of Texas during the months of December, January, February, March and April, each inclusive, of any year; providing a penalty therefor; repealing laws in conflict therewith, and declaring an emergency."

Referred to Committee on Game and Fisheries.

By Mr. Stewart, Mr. Fugler and Mr. Sackett:

H. B. No. 437. A bill to be entitled "An Act to amend Section 12 of Chapter 190, Acts of the Regular Session of the Thirty-fifth Legislature, as amended

by Section 1 of Chapter 71 of the General Laws of the Fourth Called Session of the Thirty-fifth Legislature, which section relates to the allotment of highway funds in road construction, so to provide for authority to increase the allotment of such funds to aid in the construction of highways in the different counties, and to use said funds for maintenance purposes under certain conditions, and declaring an emergency."

Referred to Committee on Roads, Bridges and Ferries.

By Mr. Irwin:

H. B. No. 438. A bill to be entitled "An Act to amend Article 6006 (3507) of the Revised Civil Statutes of the State of Texas of 1911, to prevent the indiscriminate or fraudulent use of notarial seals, by requiring the name of each notary public to be engraved in the margin of the seal of said notary."

Referred to Committee on Criminal Jurisprudence.

By Mr. Stroder, Mr. Collins, Mr. Greer and Mr. Sparkman:

H. B. No. 439. A bill to be entitled "An Act denouncing carnal relations between persons of the white race and persons of the black race; creating the same into a felony, and prescribing a penalty."

Referred to Committee on Criminal Jurisprudence.

By Mr. Quinn, Mr. Merriman, Mr. Baker, Mr. Finlay, Mr. Gipson, Mr. Sparkman, Mr. Hardin, Mr. Greer, Mr. Morgan, Mr. McBride, Mr. Bryant, Mr. Amsler, Mr. Rogers, Mr. Winfree, Mr. Smith, Mr. Loftin and Mr. Downs:

H. B. No. 440. A bill to be entitled "An Act to amend Chapter 88 of the General Laws of the Thirty-fifth Legislature, Regular Session, approved March 9, 1917, by amending Section 87 of said act, and also limiting the contract lien upon crops irrigated, and prescribing method of determining costs of irrigation facilities to be charged users of water in the State of Texas; repealing all laws in conflict herewith, and declaring an emergency."

Referred to Committee on Conservation and Reclamation.

By Mr. Winfree:

H. B. No. 441. A bill to be entitled "An Act to prevent confessions from

being procured of defendants while in jail or under arrest, by force or by third degree or fraudulent means, and to render all such confessions so procured or which are procured by promises or inducement offered to such defendants, inducing them to believe that such confession will aid them upon the trial of the offenses for which they are arrested, by mitigating the punishment or benefiting them otherwise upon the trial of such cases, and to provide the manner in which such confession shall have been procured in order to render same admissible in evidence against the party who makes it; and to declare all confessions procured in any other manner inadmissible."

Referred to Committee on Criminal Jurisprudence.

By Mr. Quaid and Mr. Bell:

H. B. No. 442, A bill to be entitled "An Act to permit boards of trustees of religious, charitable, educational or eleemosynary institutions to be affiliated with, elected and controlled by a convention, conference or association, incorporated or unincorporated, organized under the laws of this or another State, whose membership is composed of representatives, delegates or messengers from any church or other religious association; also to permit such institutions to acquire, own, hold, mortgage and dispose of property, real and personal, within this State in furtherance of the purposes of the organization."

Referred to Judiciary Committee.

By Mr. Johnson and Mr. Driggers:

H. B. No. 443, A bill to be entitled "An Act amending Section 20, of Chapter 207, Acts of the Regular Session of 1917, relating to the speed at which automobiles and trucks may be driven on the public highways of the State, and in the business districts of any town or incorporated city, and in the fire district of any city having a population of 25,000 or more inhabitants; also fixing a penalty for a violation of the act, repealing all laws in conflict therein, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Frnka:

H. B. No. 444, A bill to be entitled "An Act to create a more efficient road system for Colorado county, making the county commissioners of said county ex-

officio road supervisors, prescribing their duties as such, and providing for their compensation as such road supervisors; authorizing the commissioners court to employ a civil engineer to plan and superintend road and bridge construction and repair in said county and fixing the compensation of such engineer; providing for the laying off of road precincts; prescribing the duties and liabilities of all persons subject to road duty, and fixing penalties for the violation or neglect of such duties so imposed; providing for exemptions; providing for the working of county convicts on the public roads of said county and authorizing the commissioners court to enact reasonable rules, regulations and punishments necessary for the government, control, and discipline of said convicts, and for effectually securing and utilizing their labor; providing for the payment of costs due officers in misdemeanor cases; providing for commutation of time of convicts as a reward for faithful service and good behavior; providing a reward not to exceed ten dollars to be offered for the arrest and conviction of escaped county convicts, and taxing such reward and all costs necessarily incurred in the recapture and conviction of such convicts against such convicts; making it a penal offense for any county convict to escape from any person having him in charge for the county, and providing a penalty for such escape; providing for the trimming of hedges by the owners of lands adjoining public roads, and providing a penalty for failure to trim such hedges; providing the amount of compensation in road time to be allowed to road hands for terms, plows, scrapers, and wagons; providing for the condemnation of land for public road purposes; providing for the working of delinquent poll taxpayers on the public roads; providing for the appointment of road overseers and defining their powers and duties and providing for penalties for persons failing to work the roads when warned, and for persons failing to do good work, or to work in the manner prescribed by the road supervisor or road overseer; providing for the summoning of persons and teams, plows, scrapers, and wagons to work in connection with the county's regularly organized road gang, or to repair roads in the precinct; providing for working county convicts, either upon the roads and bridges or the county farm or public grounds or public buildings, or partly

upon either, in the discretion of the commissioners court; and providing for making such laws cumulative to the general laws of the State, and in cases of conflict the special law is to apply to Colorado county, Texas, and repealing all laws or parts of laws in conflict herewith, and all special road laws heretofore enacted for said county not otherwise heretofore repealed, and declaring an emergency."

Referred to Committee on Roads, Bridges and Ferries.

By Mr. Johnson:

H. B. No. 445, A bill to be entitled "An Act to amend Chapter 16 of the General Laws of the State of Texas passed by the Thirty-fourth Legislature at its First Called Session, changing the time of holding courts in the Thirty-third Judicial District of Texas by providing that said court shall hold three terms of two weeks each in Gillespie county, and by providing that the two terms of said court to be held in Burnet county may continue in session for three weeks each, and repealing all laws and parts of laws in conflict herewith, and creating an emergency."

Referred to Judiciary Committee.

By Mr. Jacks and Mr. Edwards:

H. B. No. 446, A bill to be entitled "An Act to amend Article 5596 and subdivisions 3 and 4 of Article 5597 of Title 64 of the Revised Civil Statutes of the State of Texas of 1911, in relation to the determination of actual damages, and in relation of privileged publications as to public meetings and comments and criticism of the conduct of public officials and others, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

HOUSE JOINT RESOLUTION ON FIRST READING.

The following House joint resolution, introduced today, was laid before the House, read first time, and referred to the Committee on Constitutional Amendments:

By Mr. ———

H. J. R. No. 19, Proposing an amendment to Article 8 of the State Constitution providing for the exemption of cotton mills from taxation for a period of ten years.

BILLS ORDERED NOT PRINTED.

On motion of Mr. Dielmann, House bill 395 was ordered not printed.

On motion of Mr. Blount, Senate bills Nos. 105, 106, 108, 109 and 110 were ordered not printed.

On motion of Mr. Barrett, Senate bill No. 188 and House bills Nos. 427, 428 and 415 were ordered not printed.

BILL RE-REFERRED.

On motion of Mr. Jacks, House bill No. 446 was withdrawn from the Judiciary Committee and referred to the Committee on Criminal Jurisprudence.

BILL RECOMMITTED.

On motion of Mr. Potter, House bill No. 189 was recommitted to the Committee on Agriculture.

HOUSE CONCURRENT RESOLUTION NO. 8 WITH SENATE AMENDMENT.

Mr. Teer called up from the Speaker's table, with the Senate amendment, for consideration of the amendment,

H. C. R. No. 8, Relating to proposed site of the penitentiary system.

The Speaker laid the resolution before the House, and the Senate amendment was read.

On motion of Mr. Teer, the House concurred in the Senate amendment.

EXTENDING THANKS FOR TRIP TO THE RIO GRANDE VALLEY.

Mr. Houston offered the following resolution:

H. C. R. No. 12, Extending thanks for trip to the Rio Grande Valley.

Whereas, The citizens of Hidalgo county, together with the citizens of Corpus Christi and Kingsville and the Chamber of Commerce of San Antonio, extended an invitation to the members of the Thirty-eighth Legislature, the Governor and his staff, the Lieutenant Governor and Speaker of the House, to visit the famous citrus groves of Hidalgo county, and also the cities of San Antonio, Corpus Christi and Kingsville; and

Whereas, The invitation was accepted and the trip made in February, 1923, with no incident to mar the pleasure of any of the participants; and

Whereas, The genuine hospitality and the unstinted courtesy of all the hosts

made a lasting impression on the visitors; therefore be it

Resolved by the House, the Senate concurring, That we extend our most sincere thanks to the good people of the points visited, for their courteous attention and unbounded generosity; and be it further

Resolved, That the reception given by the people of San Antonio was greatly appreciated. We commend the people of Corpus Christi for their efforts to establish a deep water port at that flourishing city. We also commend the far-visioning energetic people of Hidalgo county, who are rapidly developing the rich Rio Grande Valley into a veritable citrus fruit orchard of the highest quality oranges, grape fruit and lemons, though these orchards are in their infancy. We also congratulate the people of Kingsville in their efforts to establish one of the State's higher educational institutions of learning in its midst. Be it further

Resolved, That we extend to our fellow members, Senator Parr of Duval county and Senator Ridgeway of Bexar county, Representatives Williamson, Dielmann, Hall, LeSturgeon and Davenport of San Antonio, Pope of Corpus Christi, Dunlap of Kingsville, Lewis of Cameron county, and Montgomery of Hidalgo county, our special thanks. And for the splendid reports of the trip we desire to express our thanks to Joseph E. Doyle of the Associated Press, Gordon Shears of the San Antonio Express, Walter Hornaday of the Dallas News and Dallas Journal, Mallory McDonald of the Houston Post and Fort Worth Record, S. Raymond Brooks of the Austin American, Silliman Evans of the Fort Worth Star Telegram, F. W. Mozart of the Houston Evening Post, and C. D. Wade of the Houston Chronicle.

We also desire to express our appreciation for the many courtesies extended to us by Mr. R. R. Matthews, Pullman conductor; Mr. C. C. Jackson, Pullman inspector; Mr. R. A. Schultz, traffic manager of the S. A. U. & G. Railway Company, who accompanied the special on its trip and return.

We also take pleasure in extending our thanks to the following officials and employes of the roads hereafter named:

M., K. & T. Railway Company: A. S. Johnson, superintendent; O. W. Campbell, train master; D. C. Dobbins, assistant train master; Walter Wallthall, assistant general freight and pas-

senger agent; George Bendetti, city ticket agent at Austin; P. L. Putnam, conductor; G. Mounger, engineer; E. N. Starns and Wallace Oeding, brakeman; R. F. Parks and E. A. Cans, firemen.

S. A. U. & G. Railway: A. R. Ponder, receiver. We also desire to thank him especially for his private car for the Governor and his staff. Jack Jay, conductor; L. E. Hunter and Albert Cooke, engineers; M. F. Gunter and B. Patterson, firemen.

St. L., B. & M. Railway Company, Gulf Coast line: W. G. Choate, general manager; C. W. Strain, general passenger agent; Eugene Farr, division passenger agent; S. W. Numa and G. H. Price, conductors; L. Broker and James Duff, engineers; J. W. Baker and W. A. Smith, firemen; M. Myers, G. Green, J. L. Green and Dan Steele, brakemen.

We also desire to express our sincere appreciation to the custom officials and other officials and citizens of the city of Reynosa, across the Rio Grande in our sister republic, Mexico, for the courtesies extended us, and we especially noted and appreciated the cordial relations of the people of both the two Republics along the border.

Signed — Houston, Smith, Potter, Rogers, Jacks, Hull, Carter of Coke, Winfree, Cowen, Edwards, Wessels, Arnold, Shearer, Miller, Turner, Pool, Vaughan, Morgan of Robertson, Robinson, Beasley, Purl, Covey, Baldwin, Price.

The resolution was read second time and was adopted.

RELATING TO HOUSE BILL NO. 189.

Mr. Sackett moved to reconsider the vote by which House bill No. 189 was recommitted to the Committee on Agriculture.

The motion to reconsider prevailed

Question then recurring on the motion to recommit the bill, it was lost.

RELATING TO PRESIDENT OBREGON.

Mr. Quaid offered the following resolution:

H. C. R. No. 13, Relating to President Obregon.

Whereas, President Obregon has the confidence, respect and support of the people of Mexico to a degree almost unprecedented in the history of that country, with the result that today Mexico is enjoying peace and stability; and

Whereas, Through the efforts of President Obregon a new era of cordiality and

friendly relations has been initiated between the peoples on either side of the Rio Grande, who for so long misunderstood and distrusted each other; and

Whereas, The friendly attitude toward American citizens and American interests so uniformly manifested by President Obregon since becoming the President of the Republic of Mexico is of that sincere nature and of that evident good faith which makes the best feeling between nations, strengthened by the promise of President Obregon in frequent utterances that Mexico will meet every just obligation for which Mexico as a nation is responsible; now, therefore be it

Resolved by the House of Representatives, the Senate concurring. That the Legislature of the State of Texas declares itself pleased with the administration of President Obregon and congratulates the people of Mexico upon the new era of peace, prosperity and amicable relationship which have been established; and, be it further

Resolved, That it is the sense of the Legislature of Texas that the best interests of our nation and our State will be served and the restoration of order in world affairs will be hastened by the immediate official recognition of Mexico, as administered by President Obregon; and, be it further

Resolved, That the Clerk of the House be and is hereby directed to forward copies of this resolution to the President of the United States; to the President of the Senate of the United States; to the Speaker of the House of Representatives, and to each of the Texas Senators and Representatives in Congress; and, be it further

Resolved, That the Clerk of the House be and is hereby directed to send a copy of this resolution to His Excellency, the Honorable Alvaro Obregon, President of the Republic of Mexico.

Signed—Quaid, Quinn, Pool, Merri-man, Morgan of Liberty, Burmeister and Jones.

The resolution was read second time and was adopted.

INVITATION TO TEXAS FORESTRY ASSOCIATION.

Mr. Rountree offered the following resolution:

Whereas, The Texas Forestry Association will be in session in Austin on February 22, known as Arbor Day, and the

anniversary of the birth of General George Washington; therefore, be it

Resolved, That on the eighth anniversary of the meeting of the Texas Forestry Association, that it be invited to assemble in the Hall of Representatives at 7.30 o'clock on Thursday evening, February 22, 1923, for the purpose of holding an anniversary meeting to which the people of Texas are cordially invited.

The resolution was read second time, and was adopted.

EXTENDING COURTESIES TO TEXAS PRESS ASSOCIATION.

Mr. Edwards offered the following resolution:

Whereas, The midwinter meeting of the Texas Press Association will be held in the City of Austin, Thursday and Friday, February 8 and 9, 1923; and

Whereas, There will be an attendance of 100 or more of Texas' foremost editors and newspaper men upon this meeting, many of whom have never had the privilege of attending sessions of the State Legislature; therefore be it

Resolved, That the courtesies of the floor of the House or Representatives be and are hereby extended to those individuals and members of the Texas Press Association in attendance upon said meeting, who present themselves at the doors of the House, wearing the official Press Association badge, while the House is in session, said badge to be recognized as a pass by the doorkeepers.

Signed—Edwards, Moore, Faubion, Dunlap, Rountree, Pope, Cowen, Baker of Orange, Satterwhite, Covey, Pinkston, Lamb, Russell of Trinity, Davenport, Baker of Milam.

The resolution was read second time, and was adopted.

PROVIDING FOR ADDITIONAL STENOGRAPHERS.

Mr. Barrett offered the following resolution:

Whereas, The work of the stenographers of the House has increased in volume to a proportion that the present corps of stenographers is not sufficient and adequate to the amount of work of the membership; and

Whereas, The number of stenographers now employed are unable to keep up with, and do the work of the various members; therefore, be it

Resolved, That the Speaker be and he is hereby authorized to appoint five additional stenographers, and that their salaries be paid out of the contingent expense fund.

Signed—Barrett, Pate, Finlay, Shires, Montgomery, Bird, Winfree, Sparkman, Faubion, Jacks, Gipson, Kemble, Price, Green, Patman, Baldwin, Miller, Rountree Storey, Edwards, McDaniel and Pinkston.

The resolution was read second time.

On motion of Mr. Jones, the resolution was referred to the Committee on Contingent Expenses.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled bills and resolutions:

H. C. R. No. 10, Relating to adjournment for Rio Grande Valley trip.

H. C. R. No. 9, Extending thanks to Long Horn Band.

H. B. No. 5, "An Act to regulate district courts in judicial districts composed of more than one county and having at least four weeks each in counties in which there is a city of one hundred and thirty-five thousand population or over, according to the last United States census, by providing for the extension of the terms thereof in such last described counties, and the conducting of such extended terms while a new term thereof is open, and by providing procedure in such courts in the issuance, service and return of citations by publication issued out of said courts, and for other purposes, and declaring an emergency."

H. B. No. 78, "An Act to amend Article 7121, Chapter 1, Title 123, of the Revised Statutes of Texas of 1911, so as to provide that every person elected to the office of sheriff shall give bond to be approved by the commissioners court for such sum as may be directed by such court, not less than \$5000 nor more than \$30,000, payable to the Governor and his successors in office, conditioned that he will account for and pay over to the persons authorized by law to receive the same, all fines, forfeitures and penalties that he may collect for the use of the State or any county, and that he will well and truly execute and due return make of all process and precepts to him lawfully

directed and pay over all sums of money collected by him by virtue of any such process or precepts to the persons to whom the same are due or their lawful attorney, and that he will faithfully perform all duties as may be required of him by law, and conditioned that he will pay over to his county all moneys illegally paid to him out of county funds as voluntary payments or otherwise, and providing that said sheriff shall also take the oath of office prescribed by the Constitution, and providing what shall be done with said bond, and providing that said bond shall not be void on first recovery, and declaring an emergency."

H. B. No. 198, "An Act creating the Floresville Independent School District of Wilson county, Texas; defining its boundaries; divesting the City of Floresville of the control and management of the public free schools, and vesting same in a board of trustees for said district; providing for a board of trustees in said district, conferring upon said district and its board of trustees all of the rights, powers, privileges and duties now conferred and imposed by the general laws of Texas upon independent school districts and the boards of trustees thereof; providing that the present board of trustees continue in office until the expiration of their respective terms; divesting the City of Floresville of the title to any and all school property, and vesting the board of trustees with the title thereto; providing that any territory within the bounds of said district as created by this act shall remain chargeable with any and all outstanding bonded indebtedness heretofore voted by such territory; providing that said district as herein created may at an election assume such outstanding bonded indebtedness; naming the fiscal year as to taxes; repealing all laws in conflict herewith, and declaring an emergency."

S. B. No. 103, "An Act to establish a State college in that portion of Western Texas lying west of the 98th meridian and north of the 30th parallel, to be known as the West Texas State College, providing for the location of such college, its government, the control of its finances; defining its leading objects and prescribing generally the nature and scope of instruction to be given; conferring upon the board of directors of said college the right of eminent domain; making necessary appropriations for the purchase of lands, the

location, establishment and maintenance of said college, and declaring an emergency."

H. B. No. 79, "An Act to amend Article 1747, Chapter 2, Title 35, of the Revised Statutes of Texas of 1911, so as to provide that the county clerk shall execute a bond in a sum to be fixed by the commissioners court not less than \$2000 nor more than \$10,000, conditioned for the safekeeping of the records, and the faithful discharge of the duties of his office, and further conditioned that he will pay over to his county all moneys illegally paid to him out of county funds as voluntary payments or otherwise, and providing that said clerk shall take and subscribe to the oath of office required by the Constitution and that said bond and oath shall be recorded in the county clerk's office and deposited in the office of the district clerk; and providing that a certified copy of such bond may be put in suit in the name of the Governor for the use of the party injured, and shall not become void on the recovery of part of the penalty thereof but may be sued on from time to time by parties injured, until the whole amount of the penalty is recovered, and declaring an emergency."

RELATING TO PENITENTIARY AFFAIRS.

Mr. Beasley offered the following resolution:

H. C. R. No. 11, Relating to Penitentiary affairs.

Whereas, The Board of Prison Commissioners has at divers times under the existing laws, purchased several farms now owned by the State, towit, the Eastham Farm, Ferguson Farm, Shaw Farm, Ramsey Farm, and Harlem Farm; and

Whereas, At the several times of said purchases, towit, in the years 1914, 1916 and 1917, the Board of Prison Commissioners executed certain vendor's lien notes to secure part of purchase prices thereof; and

Whereas, There matured of the notes on said named farms, on January 1, 1923, approximately \$66,720.54, of the principal, together with the annual interest installment due on all of the remaining notes outstanding at that date, towit, \$20,146.93, which interest and principal are in the approximate aggregate amount of \$86,867.47, which amount bears interest according to the terms

of said notes after maturity, at the rate of 6 per cent per annum; and

Whereas, The Board of Prison Commissioners and the Governor have advised the Committees on Penitentiaries of the House and the Senate that the Prison System has not on hand at this time the money with which to meet said principal installments and matured interest, all of which has been past due since January 1, 1923, held in certain banks in the City of New York; and

Whereas, It was informally stipulated by said Penitentiary Committees at the time they agreed to urge the passage of Senate bill No. 241, which has since become a law, that the Brown-Crummer Investment Company of Wichita, Kansas and Dallas, Texas, at the specific request of said committees would and did agree to take up and carry for a short period, towit, thirty days, said notes and interest coupons without any charge to the State, except the interest which said notes and past due interest bear on their face, towit, 6 per cent, during which thirty-day period the committees should ask the Legislature to determine whether said indebtedness would be paid off at once or extensions thereof authorized; and

Whereas, It now appears that the Board of Prison Commissioners is not in position to pay same and the condition will not be changed within the next thirty days, and it is to the best interest of the State that the action indicated below be taken; and

Whereas, Said company is not under obligations to accept and purchase renewals of said notes unless and until the Legislature has expressed its specific desire as herein indicated; therefore, be it

Resolved, by the House of Representatives, the Senate concurring, That the Board of Prison Commissioners, with the approval of the Governor, be, and they are hereby authorized to execute extension agreements or new notes in lieu of said above enumerated matured notes and matured interest in favor of the holder thereof, towit: The Brown-Crummer Investment Company, as and when said company takes up said original notes and pays said matured interest, to bear the same rate of interest as said original obligations, said extensions to be for such length of time as in the judgment of the Board of Prison Commissioners and the Governor is deemed best, and the expense of con-

verting and exchanging said matured notes and interest into marketable paper to be paid by the Board of Prison Commissioners out of its current funds.

The Attorney General is directed to prepare necessary papers effecting the renewal notes and for extension agreements which may be consummated by and between the Board of Prison Commissioners and the Governor and said company.

Signed—Beasley, Teer.

The resolution was read second time.

On motion of Mr. Beasley the resolution was referred to the Committee on Penitentiaries.

HOUSE BILL NO. 151 ON SECOND READING.

The Speaker laid before the House, as a special order for this hour, on its second reading and passage to engrossment,

H. B. No. 151, A bill to be entitled "An Act to amend Articles 7407, 7409, 7414, 7415 and 7416 of the Revised Civil Statutes of the State of Texas of 1911, relative to the taxation of the intangible assets of certain corporations, associations and individuals, and providing for the creation of a State tax board for the valuation of such intangible assets and for the distribution of said values for local taxation and for the assessment of said assets, and the levy and collection of taxes thereon; and to provide for the repeal of all laws and parts of laws laying taxes upon the gross incomes of corporations, associations and individuals affected by the provisions thereof, so that as by this act amended said articles shall provide that other and additional individuals, corporations, companies and associations be included and made subject to the provisions thereof; fixing the salary of the tax commissioner, and declaring an emergency."

The bill was read second time.

(Mr. Rountree in the chair.)

Mr. Melson offered the following (committee) amendment to the bill:

Strike out all after the enacting clause and insert the following:

Section 1. That Articles 7407, 7409, 7414, 7415 and 7416 of the Revised Civil Statutes of the State of Texas of 1911, relative to the taxation of the intangible assets of corporations, associations and individuals and providing for the creation of a State Tax Board for the valuation of such intangible assets and for the distribution of said values for local

taxation and for the assessment of said assets and the levy and collection of taxes thereon and for the repeal of all laws laying taxes upon the gross incomes of corporations, associations and individuals affected by the provisions thereof, be amended so as hereafter to read as follows:

Article 7407. There is hereby created a State Tax Board which shall be composed of the Comptroller of Public Accounts, the Secretary of State and a third member to be known as tax commissioner of the State of Texas. Except third member to be known as tax commissioner if the State of Texas. Except as herein otherwise provided, such tax commissioner shall be appointed by the Governor in accordance with and subject to the provisions of Section 12, Article 4, of the Constitution of the State of Texas and shall hold his office for two years and until his successor shall be appointed and qualified and shall receive an annual salary of thirty-six hundred dollars in equal installments payable at the end of each month. The present tax commissioner, heretofore appointed, shall hold his office until the time for which he was originally appointed, and until his successor shall have been appointed and qualified. A majority of said board shall constitute a quorum to do business. A record of the proceedings of said board shall be kept in the State Capitol, and shall be open to the inspection of the public.

Art. 7409. The State Tax Board may employ a secretary, who shall receive for his or her services an annual salary of fifteen hundred dollars (\$1500) in equal annual installments at the end of each month, and such other assistant as may be provided for by law.

Art. 7414. Each and every railroad company, ferry company, bridge company, turnpike or toll road company, packing house company, interurban and electric railway company, street railway company, terminal railway company, telephone company, telegraph company, pipe line company, wharf company, mineral or petroleum oil refining company, and stockyard company doing business wholly or in part within the State of Texas whether incorporated under the laws of this State or any other State or territory or of the United States or any foreign country, or organization in this or any other State or territory in the United States or any foreign country, and every individual,

and every other company, corporation or association so incorporated or organized, doing business of the same character in this State; and every individual and every company, corporation or association so organized or incorporated within this State engaged in the distribution or sale of gas, whether natural or artificial, and whether intended for fuel, heat, light or power; the generation, production, sale or distribution of electric power, electric light or electric heat, the operation of water power, water works or water and light plants and every other individual, and every company, corporation or association so organized or incorporated, engaged within this State in the operation of an express business, whether by rail, water or auto vehicle shall, in addition to the ad valorem taxes on their tangible properties which are now or which may hereafter be imposed upon them respectively, by law, annually, beginning with the first day of January, A. D. 1924, pay a tax to the State for the year 1924 and for each year thereafter on their intangible assets and property and local taxes thereon to the counties in which its business is or may hereafter be carried on, which additional tax shall be assessed and levied upon such intangible assets and property in the manner provided in this act. The county or counties in which such taxes are to be paid, and the manner of the apportionment of the same shall be determined in accordance with the provisions of this act, provided, that any such individual, company, corporation or association engaged in any other business, upon which an occupation tax based on gross receipts is levied, shall not be relieved from the payment of such occupation tax by reason of the payment of taxes based on intangible value.

Art. 7415. Between the second day of January and the first day of March of each year, every individual, company, corporation and association embraced within the provisions of the next preceding section of this act, or coming within its scope and intent, shall make out and deliver into the possession of the State tax commissioner a statement containing the information required by this act, which statement shall be verified by affidavit of the individual or one of the officers of the company, corporation or association in whose behalf it is made, or, if a common law trust, by the trustee or trustees or the treasurer or manager thereof, or by the receiver, assignee or trustee in bankruptcy of such

individual, company, corporation or association.

Art. 7416. Each such statement shall show the following items and particulars as the same stood on the first day of January next preceding, to wit:

(a) The name of the individual, company, corporation or association making such statement and the character of its business.

(b) If incorporated, the authority by which it was incorporated and the purpose of its incorporation as expressed in its original or amended articles of incorporation or articles of association. If a common law trust company, the county in which its declaration of trust is filed, the purposes of said trust, the character of its business and the names and residence of its trustee or trustees, its treasurer and manager.

(c) The locality of its principal office and the amount and kind of business done by it in this State and the total gross receipts derived from its business within this State, including a due proportion of its interstate business, if it has done any business of that character.

(d) Its total authorized capital stock and the number of shares thereof which have been issued and are outstanding, the par face value of each share, and the amount of the capital actually employed in the aforesaid business within the State. For the purpose of this act the total of all subscriptions to the capital of a common law trust shall be deemed to be its capital stock, and any certificate or other evidence of participating interest shall be deemed to be shares thereof.

(e) The market value of said shares of stock, or if they have no market value, the actual value thereof.

(f) The assessed value and also the true value of all the tangible property owned by such individual, company, corporation, or association in each county in this State and the total assessed value and also the true value thereof.

(g) The assessed value and also the true value of the tangible property of such individual, company, corporation or association outside of this State, and not specifically used in business of such individual, company, corporation or association, same to be given by States, and the total assessed value of the same.

(h) A statement of each and every

existing lien, mortgage or other charge, upon the whole or any part of the property of such individual, company, corporation or association, and of the property thereby charged or encumbered, and of the amount of unpaid debt secured by each such mortgage, lien or charge and of any unsecured debt, and of the interest charged thereon, and to what extent such interest has been paid, and of the true and fair market value of every such debt.

(i) A statement of the gross receipts and net income and earnings for the next preceding twelve months, or if such statement is required, of the preceding five years, or any part thereof, including therein all interest on investments, and all rents, revenues and receipts from every source whatsoever, and a statement of the income used for repairs, and of the amounts used for the betterment, and the amounts used for extensions within that period of time. Provided, if such individual, corporation, company or association is engaged in business both within and without the State, then, in addition to the foregoing, such statement shall show the gross receipts and net income and earning arising from business done within this State. Every such individual, corporation, company or association engaged in an express business shall, in addition to the foregoing, show its total gross receipts in each county of the State.

(j) Every such railroad company, pipe line company, interurban and electric railway company, telephone company, telegraph company, turnpike or toll road company, shall also show in each statement made by it:

(1) The total length of all lines of said company whether within or without this State.

(2) The total length of all such lines as are within the State.

(3) The length of their lines in each of the counties in this State into which said lines extend.

Sec. 2. The importance of this act creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and the same is hereby suspended, and that this act shall take effect and be in force from and after its passage, and it is so enacted.

Mr. Patman offered the following amendments to the (committee) amendment:

Amend the (committee) amendment to House bill No. 305 as follows:

1. Strike out the word "assistant" in line 3, page 6, and insert in lieu thereof the following: "assistants and employees."

2. Strike out all after the word "country" in line 12, page 6, down to and inclusive of the word "country" in line 13. (Note this eliminates a repetition of language only.)

3. Strike out the word "organization" in line 13, page 6, and insert the word "organized."

4. Strike out the words "within this State engaged" in line 18, page 6, and insert the words "engaged within this State."

5. Strike out all after the word "law" in line 28, page 6, down to and including the word "thereafter" in line 30, and after placing a comma after the word "law," insert the following: "pay an annual tax to the State, beginning with the first day of January of each year."

6. Strike out the word "act" where it occurs in lines 34 and 37, page 6, and in lines 5 and 7, page 7, and insert in lieu thereof the word "chapter."

The amendments were severally adopted.

Mr. Jones moved to postpone further consideration of the bill until 10 o'clock a. m. next Saturday.

Mr. Merriman moved to postpone further consideration of the bill indefinitely.

Question first recurring on the motion of Mr. Jones, yeas and nays were demanded, and the vote was taken on the motion to postpone further consideration of the bill until next Saturday.

The Speaker announced that the vote stood—yeas 61 and nays 60.

Mr. Patman called for a verification of the vote.

(Speaker in the chair.)

The roll of the yeas and nays was then called and the verified vote stood as follows:

Yeas—60.

Abney.	Collins.
Arnold.	Cowen.
Barker.	Dielmann.
Bell.	Duffey.
Blount.	Dunlap.
Bonham.	Durham.
Burmeister.	Gipson.
Carson.	Greer.
Carter of Coke.	Hardin
Chitwood.	of Kaufman.

Harrington.	Pate.
Henderson	Patterson.
of McLennan.	Pool.
Houston.	Pope.
Hull.	Potter.
Irwin.	Purl.
Jacks.	Quaid.
Jennings.	Quinn.
Jones.	Robinson.
Kemble.	Rogers.
Lackey.	Sackett.
Lamb.	Satterwhite.
Lane.	Shires.
Lewis.	Smith.
Looney.	Storey.
McBride.	Sweet.
McDonald.	Turner.
McNatt.	Wessels.
Maxwell.	Williamson.
Merriman.	Wilmans.
Morgan	Young.
of Liberty.	

Nays—60.

Amsler.	Martin.
Atkinson.	Mathes.
Baker of Orange.	Merritt.
Baldwin.	Miller.
Beasley.	Montgomery.
Bird.	Morgan
Bryant.	of Robertson.
Cable.	Patman.
Carpenter	Perdue.
of Matagorda.	Pinkston.
Covey.	Price.
Crawford.	Rice.
Davenport.	Rountree.
Davis.	Russell
DeBerry.	of Callahan.
Dodd.	Shearer.
Driggers.	Simpson.
Dunn.	Sparkman.
Faubion.	Stevens.
Fields.	Stewart
Finlay.	of Edwards.
Frnka.	Stewart of Jasper.
Fugler.	Stewart of Reeves.
Green.	Stroder.
Harris.	Teer.
Henderson	Thompson.
of Marion.	Thrasher.
Hendricks.	Vaughan.
Howeth.	Wallace.
Johnson.	Wells.
Laird.	Westbrook.
LeStourgeon.	Winfree.
McDaniel.	

Absent.

Avis.	Lusk.
Barrett.	McFarlane.
Carter of Hays.	McKean.
Coffee.	Melson.
Downs.	Moore.
Edwards.	Sanford.
LeMaster.	Strickland.
Loftin.	Wilson.

Absent—Excused

Baker of Milam.	Hardin of Erath.
Bobbitt.	Hughes.
Brady.	Rowland.
Carpenter	Russell of Trinity.
of Dallas.	Stell.
Culp.	Stiernberg.
Dinkle.	

The Speaker announced that the motion to postpone was lost.

NOTICE GIVEN.

Mr. Hendricks gave notice that he would, on tomorrow, call up for consideration at that time, Senate bill No. 165, which bill was heretofore laid on the table subject to call.

RECESS.

Mr. Patman moved that the House recess until 10 o'clock a. m. tomorrow.

Mr. Irwin moved that the House adjourn until 10 o'clock a. m. tomorrow.

Question first recurring on the motion to adjourn, yeas and nays were demanded, and the motion was lost by the following vote:

Yeas—30.

Baker of Orange.	Merriman.
Blount.	Morgan
Burmeister.	of Liberty.
Carson.	Patterson.
Collins.	Potter.
Dunlap.	Purl.
Harrington.	Quaid.
Hull.	Quinn.
Irwin.	Rountree.
Jacks.	Satterwhite.
Jones.	Shires.
Kemble.	Smith.
Lackey.	Storey.
Lewis.	Wessels.
McDonald.	Williamson.
McNatt.	Wilmans.

Nays—92.

Abney.	Carpenter
Amsler.	of Matagorda.
Arnold.	Carter of Coke.
Atkinson.	Chitwood.
Baldwin.	Coffee.
Barker.	Covey.
Barrett.	Cowen.
Beasley.	Crawford.
Bell.	Davenport.
Bird.	Davis.
Bonham.	DeBerry.
Bryant.	Dielmann.
Cable.	Dodd.

Downs.	Miller.
Driggers.	Montgomery.
Duffey.	Moore.
Dunn.	Morgan
Durham.	of Robertson.
Edwards.	Pate.
Faubion.	Patman.
Fields.	Perdue.
Finlay.	Pinkston.
Frnka.	Pool.
Fugler.	Pope.
Green.	Price.
Greer.	Rice.
Hardin	Robinson.
of Kaufman.	Rogers.
Harris.	Russell
Henderson	of Callahan.
of Marion.	Sackett.
Henderson	Shearer.
of McLennan.	Sparkman.
Hendricks.	Stevens.
Houston.	Stewart
Howeth.	of Edwards.
Hughes.	Stewart of Jasper.
Jennings.	Stewart of Reeves.
Johnson.	Stroder.
Laird.	Teer.
Lamb.	Thompson.
Lane.	Thrasher.
LeStourgeon.	Turner.
Looney.	Vaughan.
McBride.	Wallace.
McDaniel.	Wells.
Martin.	Westbrook.
Mathes.	Winfree.
Maxwell.	Young.
Merritt.	

Absent.

Avis.	McKean.
Carter of Hays.	Melson.
Gipson.	Sanford.
LeMaster.	Strickland.
Lottin.	Sweet.
Lusk.	Wilson.
McFarlane.	

Absent—Excused

Baker of Milam.	Dinkle.
Bobbitt.	Hardin of Erath.
Brady.	Rowland.
Carpenter	Russell of Trinity.
of Dallas.	Stell.
Culp.	Stiernberg.

Paired.

Mr. Simpson (present); who would vote "nay," with Mr. McFarlane (absent), who would vote "yea."

Question then recurring on the motion of Mr. Patman, it prevailed, and the House, accordingly at 5:35 o'clock p. m., took recess to 10 o'clock a. m. tomorrow.

APPENDIX.

STANDING COMMITTEE REPORTS.

The following committees have filed favorable reports on bills, as follows:

Game and Fisheries—House bills Nos. 312, 345.

Revenue and Taxation—House bills Nos. 328, 311.

Roads, Bridges and Ferries—House bills Nos. 46, 395, 313, 419; Senate bill No. 45.

Judiciary—House bills Nos. 411, 399, 407, 409.

Banks and Banking—Senate bills Nos. 109, 108, 110, 106, 105.

State Affairs—House bill No. 384.

The following committees have filed unfavorable reports on bills, as follows:

Revenue and Taxation—House bills Nos. 310, 74, 281.

State Affairs—House bill No. 275.

Criminal Jurisprudence—Senate bill No. 84; House bills Nos. 374, 382, 354.

Judiciary—House bills Nos. 346, 421, 426.

REPORTS OF COMMITTEE ON ENGROSSED BILLS.

Committee Room,

Austin, Texas, February 2, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 367, A bill to be entitled "An Act to amend an act passed by the Thirty-second Legislature of the State of Texas, at its Regular Session, creating the county court of Bexar county for civil cases, by House bill No. 111, approved on February 20, 1911, as found on pages 15, 16 and 17, of the session laws of said Legislature, by adding another section thereto, to wit: 'Section 12a, providing for the appointment of an official shorthand reporter for said court for the purpose of preserving a record in all cases tried in said causes; providing for the salary and fees of such shorthand reporter, and providing for additional costs to be taxed in each case now pending and hereafter to be filed in said court, and declaring an emergency,'"

And find the same correctly engrossed.

PRICE, Vice-Chairman.

Committee Room,

Austin, Texas, February 2, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 337, A bill to be entitled "An Act creating the Village Mills Independent School District of Hardin county, Texas, defining its boundaries, providing for a board of trustees to manage and control the public free schools within said district, and investing the said district with the rights, powers, authority, jurisdiction, privileges and duties of a town or village incorporated for free school purposes only under the general laws, and declaring an emergency,"

And find the same correctly engrossed
PRICE, Vice-Chairman.

Committee Room,

Austin, Texas, February 2, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 380, A bill to be entitled "An Act creating and establishing a common school district to be known as Common County Line School District No. 49, composed of parts of Fannin and Hunt counties; defining the powers of the county board of school trustees in relation thereto, and declaring an emergency,"

And find the same correctly engrossed.
PRICE, Vice-Chairman.

Committee Room,

Austin, Texas, February 2, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 293, A bill to be entitled "An Act to create the Talpa Independent School District in Coleman county, Texas, including the present Talpa District of said county, providing a board of trustees therefor, vesting said independent school district and board of trustees with all the rights, powers, privileges and duties conferred upon independent school districts incorporated under the general laws of Texas; providing that the board of trustees of the present Talpa District shall con-

tinue to act as such until their successors are elected in accordance with the general laws of Texas, and declaring an emergency,"

And find the same correctly engrossed.
PRICE, Vice-Chairman.

Committee Room,

Austin, Texas, February 2, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 235, A bill to be entitled "An Act to amend Chapter 35, Acts of the First Called Session of the Thirty-seventh Legislature, being an act creating the Sudan Independent School District in the county of Lamb, State of Texas, by amending Section 1 thereof so as to more accurately define its boundaries, and by adding Section 12a thereto, providing for the validation of certain bond issues, bond and maintenance taxes, and the election and acts of the officers of said district, and declaring an emergency,"

And find the same correctly engrossed.
PRICE, Vice-Chairman.

Committee Room,

Austin, Texas, February 2, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 236, A bill to be entitled "An Act creating the Sour Lake Independent School District; defining its boundaries, including the present Sour Lake Independent School District; providing for a board of trustees, and the manner of their election; vesting title to all school property within said district in the board of trustees, and their successors in office; charging said district with the payment of all indebtedness of any and every nature whatsoever, and the performance of all contracts of the schools that are included within said district; providing that the board of trustees hereof elected and now serving for the Sour Lake Independent School District, as now existing, shall continue in office for the district hereby created until the expiration of their terms of office and until their successors shall have been elected and qualified; authorizing the trustees to exercise all the rights and powers conferred by the

general laws upon trustees of independent school districts created for school purposes under the general laws, and in addition thereto certain plenary powers; providing for the annexation of adjacent territory thereto; validating and continuing in force the maintenance tax heretofore voted by the voters in every territory included within the district hereby created until the voters in said district increase, diminish or abolish such taxes in accordance with the general laws; vesting authority in the board of trustees to issue bonds for the purpose of purchasing school building sites or additional sites to the present sites, and erecting, altering or repairing, furnishing and equipping school buildings within said district; empowering the trustees to levy taxes therefor, and to pay current expenses for the support and maintenance of the schools; providing said district shall remain chargeable with its pro rata part of any outstanding bonded indebtedness heretofore voted by the Batson Independent School District in Hardin county, Texas, or any other school district whose territory is by this act encroached upon; providing that if any part of the act shall be held by the courts to be unconstitutional no other part of the act shall thereby be invalidated or vitiated; providing for the repeal of all laws and parts of laws in conflict herewith; declaring an emergency,"

And find the same correctly engrossed
PRICE, Vice-Chairman.

Committee Room,

Austin, Texas, February 5, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 182, A bill to be entitled "An Act authorizing and directing the administrative or governing authorities of the public educational institutions of this State to except and exempt from the payment of all dues, fees, and charges except for board and clothing of all citizens of Texas who serve as nurses or in the armed forces of the United States during the late war, and giving said citizens a preferential right to be admitted to the benefits of said institutions, and declaring an emergency,"

And find the same correctly engrossed.
PRICE, Vice-Chairman.

Committee Room,

Austin, Texas, February 2, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 350, A bill to be entitled "An Act to create the Granbury Independent School District in Hood county, Texas, including the present Granbury District of said county; providing for a board of trustees therefor; vesting said independent school district and board of trustees with all the rights, powers, privileges and duties conferred upon independent school districts incorporated under the general laws of Texas; providing that the board of trustees of the present Granbury District shall continue to act as such until their successors are elected in accordance with the general laws of Texas, and declaring an emergency,"

And find the same correctly engrossed.
PRICE, Vice-Chairman.

Committee Room,

Austin, Texas, February 2, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 330, A bill to be entitled "An Act creating the Schwertner Independent School District in the county of Williamson, State of Texas; defining its boundaries, providing for a board of trustees to control and manage the schools of the said district, divesting Common School District No. 48 of Williamson county, Texas, of the control of the free schools of the said district, and of the title, management and control of all property held, owned and controlled for public free school purposes therein and vesting the same in the said Schwertner Independent School District, and in the board of trustees thereof; providing for the assessing and collecting of taxes; providing for the issuance of bonds; providing for the election of officers for the said school district; providing for the election of assessor and collector for said school district; providing for the erection of buildings and equipping same for school purposes, and assuming the payment of the outstanding bonded indebtedness of Common School District No. 48 of Williamson

county, Texas, and declaring an emergency."

And find the same correctly engrossed.
PRICE, Vice-Chairman.

REPORTS OF COMMITTEE ON ENROLLED BILLS.

Committee Room,
Austin, Texas, February 6, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 5, "An Act to regulate district courts in judicial districts composed of more than one county and having terms of court fixed by law at four weeks each in counties in which there is a city of one hundred and thirty-five thousand population, or over, according to the last United States census, by providing for the extension of the terms thereof in such last described counties, and the conducting of such extended terms while a new term thereof is open, and by providing procedure in such courts in the issuance, service and return of citations by publication issued out of said courts, and for other purposes, and declaring an emergency,"

Have carefully compared same and find it correctly enrolled, and have this day, at 5:10 o'clock p. m., presented same to the Governor for his approval.

HENDRICKS, Chairman.

Committee Room,
Austin, Texas, January 31, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 78, "An Act to amend Article 7121, Chapter 1, Title 123, of the Revised Statutes of Texas, 1911, so as to provide that every person elected to the office of sheriff shall give bond to be approved by the commissioners court, for such sum as may be directed by such court, not less than \$5000 nor more than \$30,000, payable to the Governor and his successors in office, conditioned that he will account for and pay over to the persons authorized by law to receive the same, all fines, forfeitures and penalties that he may collect for the use of the State or any county, and that he will well and truly execute and due return make of all process and precepts to him lawfully directed, and pay over all sums of

money collected by him by virtue of any such process or precepts, to the persons to whom the same are due, or their lawful attorney, and that he will faithfully perform all duties as may be required of him by law, and conditioned that he will pay over to his county all moneys illegally paid to him out of county funds, as voluntary payments or otherwise, and providing that said sheriff shall also take the oath of office prescribed by the Constitution, and providing what shall be done with said bond, and providing that said bond shall not be void on first recovery, and declaring an emergency,"

Have carefully compared same and find it correctly enrolled, and have this day, at 5:10 o'clock p. m., presented same to the Governor for his approval.

HENDRICKS, Chairman.

Committee Room,
Austin, Texas, January 31, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 79, "An Act to amend Article 1747, Chapter 2, Title 35, of the Revised Civil Statutes of Texas of 1911, so as to provide that the county clerk shall execute a bond in the sum to be fixed by the commissioners court not less than \$2000 nor more than \$10,000, conditioned for the safekeeping of the records, and the faithful discharge of the duties of his office and further conditioned that he will pay over to his county all moneys illegally paid to him out of county funds, as voluntary payments or otherwise, and providing that said clerk shall take and subscribe to the oath of office required by the Constitution, and that said bond and oath shall be recorded in the county clerk's office and deposited in the office of the district clerk and providing that a certified copy of such bond ~~may~~ be put in suit in the name of the Governor, for the use of the party injured; and shall not become void on the recovery of part of the penalty thereof, but may be sued on from time to time by the parties injured until the whole amount of the penalty is recovered, and declaring an emergency."

Have carefully compared same and find it correctly enrolled, and have this day, at 5:10 o'clock p. m., presented same to the Governor for his approval.

HENDRICKS, Chairman.

Committee Room,
Austin, Texas, February 6, 1923.

Hon. R. E. Seagler, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled
Bills, to whom was referred

H. B. No. 198, "An Act creating the
Floresville Independent School District
of Wilson county, Texas; defining its
boundaries; divesting the city of Flores-
ville of the control and management of
the public free schools, and vesting same
in a board of trustees for said district;
providing for a board of trustees in said
district, conferring upon said district
and its board of trustees all of the
rights, powers, privileges and duties
now conferred and imposed by the gen-
eral laws of Texas upon independent
school districts and the board of trust-
ees thereof; providing that the present
board of trustees continue in office until
the expiration of their respective terms;
divesting the city of Floresville of the
title to any and all school property, and
vesting the board of trustees with the
title thereto; providing that any ter-
ritory within the bounds of said district
as created by this act shall remain
chargeable with any and all outstand-
ing bonded indebtedness heretofore voted
by such territory; providing that said
district as herein created may at an
election assume such outstanding bonded
indebtedness, naming the fiscal year as
to taxes; repealing all laws in conflict
herewith, and declaring an emergency,"

Have carefully compared same and
find it correctly enrolled, and have this
day at 5:10 o'clock p. m., presented
same to the Governor for his approval.

HENDRICKS, Chairman.

TWENTY-SECOND DAY.

(Continued.)

(Wednesday, February 7, 1923.)

The House met at 10 o'clock a. m.
and was called to order by Speaker
Seagler.

BILLS ORDERED NOT PRINTED.

On motion of Mr. Dodd, Senate bill
No. 62 was ordered not printed.

On motion of Mr. Bonham, Senate bills
Nos. 92 and 93 were ordered not printed.

RELATING TO STATE BOARD OF EQUALIZATION.

On motion of Mr. Satterwhite, by

unanimous consent, the following docu-
ment was ordered printed in the Jour-
nal:

In Re State Board of Equalization.

Authority of the Legislature to create
a State tax commission clothed with
power to fix and enforce definite and
uniform standards of assessments, based
in percentages of taxable values for
purposes of State taxation, operating
alike in all counties of the State.

Sovereignty: The Vital Interest Rests
in the Masses of the People.

"The right of commanding finally in
civil society."—Chipman on Govern-
ment, page 137.

"In theory, sovereignty must be a unit
and the sovereignty of a State must ex-
tend to all the territorial limits occu-
pied by the associated people."—Cooley
on Constitutional Law, Chapter 2.

"The power to tax includes the power
to make use of all customary and usual
means to enforce payment. But legis-
lation must prescribe the means and give
full directions for their employment,
* * *."—Cooley on Constitutional
Law.

"That there is a plain repugnance in
conferring on one government a power to
control the constitutional measures of
another, which 'other' is declared to be
supreme over that which exerts the con-
trol is a proposition not to be denied."—
Cooley, Ch. 14, quoting John Marshall.

"The Legislature shall pass such laws
as may be necessary to carry into effect
the provisions of this Constitution."—
Sec. 42, Art. 3, Texas Constitution.

"Taxes shall be levied and collected
by general laws and for public purposes
only."—Sec. 3, Art. 8, Texas Constitu-
tion.

"No power to suspend laws in this
State shall be exercised except by the
Legislature."—Sec. 28, Art. 1, Texas
Constitution.

"Taxation shall be equal and uniform.
All property in this State, whether
owned by natural persons or corpora-
tions, other than municipal, shall be
taxed in proportion to its value, which
shall be ascertained as may be provided
by law * * *."—Sec. 1, Art. 8, Texas
Constitution.

"The word 'valuation' means the value
fixed by competent authority for the
purpose of taxation."—Nolan County vs.
State, 83 Texas 195; 17 S. W., 823;
Morrill vs. Smith County, 89 Texas, 589;
36 S. W., 59.

"The Legislature shall provide for